

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**PANTELIS CHRYSAFIS, BETTY COHEN,
BRANDIE LACASSE, MUDAN SHI, and
FENG ZHOU,**

Plaintiffs,

v.

**LETITIA JAMES, in her official capacity as
Attorney General of the State of New York,**

Defendant.

Case No. 21-cv-00998 (SJF-ARL)

**MOTION OF HOUSING COURT ANSWERS AND MAKE THE ROAD NEW YORK
FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

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*Attorneys for Housing Court Answers and
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Housing Court Answers (“HCA”) and Make the Road New York (“MTRNY (the “Proposed *Amici*”) respectfully move to file the annexed *amicus curiae* brief in opposition to Plaintiffs’ Motion for a Preliminary Injunction in the above-captioned case.

“District courts have broad discretion to permit or deny the appearance of amici curiae in a given case.” *Verizon New York Inc. v. Vill. of Westhampton Beach*, No. CV 11-252 (AKT), 2014 WL 12843519, at *1 (E.D.N.Y. Mar. 31, 2014). An *amicus* brief should generally be allowed “when the *amicus* has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Id.* (quoting *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7th Cir.1997)).

Proposed *Amici* have significant interests in this case. Proposed *Amici* represent low-income tenants throughout the state of New York who would be at imminent risk of eviction if the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (“CEEFPFA”) was found to be unconstitutional. HCA provides legal information to *pro se* litigants in New York City Housing Courts through tabling and a telephone hotline. MTRNY works to increase the power of Latino and working-class communities through organizing, policy innovation, education, and survival services. MTRNY provides legal support for tenants to avoid eviction and address overdue maintenance, tenant training on housing rights and landlord interaction. The Proposed *Amici* have clients or members who are facing financial hardship as a result of the COVID-19 pandemic and who would have a heightened risk of severe illness or death from COVID-19. These clients and members would be at risk of eviction if the challenged law was found unconstitutional.

The proposed *amicus curiae* brief elucidates matters that are relevant for the Court’s disposition of this case. As representatives of thousands of tenants throughout the state, Proposed *Amici* have valuable insight into the public interest underlying the provisions of CEEFPFA that are

being challenged in this case. Proposed *Amici*'s unique perspective can help the Court place the parties' arguments in context and provide assistance beyond the help that the parties to the case themselves are able to provide. The proposed *amicus* brief describes the devastating impact of the COVID-19 on low-income New York tenants and the special harms they will face upon the resumption of evictions and eviction proceedings. It explains the importance of the challenged law for the health and well-being of low-income and medically vulnerable tenants throughout the state. The proposed brief will therefore assist the court because it presents useful information about the impact that this case will have on New York tenants.

Granting this motion will not delay these proceedings because this motion has been filed before Plaintiffs' reply is due and Plaintiffs can respond to the brief within the original briefing schedule.

For the forgoing reasons, Proposed *Amici* respectfully request that the Court grant this motion and accept for filing the accompanying *amicus curiae* brief addressing the impact of CEEFPA and this case on New York tenants.

Respectfully submitted this 10th day of March, 2021.

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